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1 WHEREAS, the date for filing Defendant's Response in Opposition to Plaintiff's Cross  
2 Motion is June 22, 2010;

3 WHEREAS, the parties agree that Defendant may have additional time to prepare its  
4 response to the issues raised in Plaintiff's Cross Motion and that Plaintiff may file a reply, if  
5 necessary, in support of Plaintiff's Cross Motion;

6 WHEREAS, the parties respectfully submit that the current scheduling order on Defendant's  
7 Motion should be modified to allow sufficient time for the parties to fully brief the issues raised by  
8 Defendant's Motion and Plaintiff's Cross Motion;

9 WHEREAS, the parties also agree that the schedule for completion of the Early Neutral  
10 Evaluation and the class certification briefing schedule should be adjusted so that the parties will  
11 have the benefit of the Court's ruling on Defendant's Motion and Plaintiff's Cross Motion; and

12 WHEREAS, the parties agree, subject to the approval of the Court, that Plaintiff's Motion to  
13 Substitute Estate of Daphne R. Rand and Debera J. Dolch, as Special Administrator of the Estate of  
14 Daphne P. Rand, as Successor in Interest ("Plaintiff's Motion to Substitute") shall remain on the  
15 June 25, 2010 docket for hearing at 9:00am.

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1           THEREFORE, the parties hereby stipulate to and respectfully request the Court to adopt the  
2 following modified pretrial schedule:

	<b>Current Date</b>	<b>Proposed Date</b>
3           Hearing on Plaintiff's Motion to Substitute	June 25, 2010	June 25, 2010
4           Defendant's Reply to Plaintiff's Opposition to 5           Defendant's Motion for Partial Summary 6           Judgment	June 16, 2010	July 12, 2010
7           Defendant's Response to Plaintiff's Cross 8           Motion	June 22, 2010	July 12, 2010
9           Plaintiff's Reply to Defendant's Response to 10          Plaintiff's Cross Motion for Partial Summary 11          Judgment	None	July 26, 2010
12          Hearing on Defendants Motion for Partial 13          Summary Judgment and Plaintiff's Cross 14          Motion	June 25, 2010	July 30, 2010 (9:00am) or a date convenient to the Court
15          Plaintiff's Motion for Class Certification and 16          Designation of Class Certification Experts	August 24, 2010	September 21, 1010
17          Defendant's Opposition to Motion for Class 18          Certification and Designation of Rebuttal 19          Class Certification Experts	October 12, 1010	November 9, 2010
20          Plaintiff's Reply in Support of Motion for 21          Class Certification	November 2, 2010	November 30, 2010
22          Hearing re: Motion for Class Certification	November 19, 2010	December 20, 2010
23          Deadline for ENE	June 15, 2010	November 30, 2010

24 DATED: June 8, 2010

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER

25 By: /s/Thomas M. Herlihy

THOMAS M. HERLIHY  
Attorneys for Defendant AMERICAN NATIONAL  
INSURANCE COMPANY

1 DATED: June 8, 2010

BONNETT, FAIRBOURN, FRIEDMAN & BALINT  
P.C.

2  
3 By: /s/Andrew S. Friedman

4 ANDREW S. FRIEDMAN  
5 Attorneys for Plaintiff DAPHNE P. RAND, by and  
6 through DEBRA J. DOLCH, as Conservator of the  
7 Person and Estate of DAPHNE P. RAND, Conservatee

8 ATTESTATION OF SIGNATURE

9 Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury that  
10 concurrence in the filing of the document has been obtained from all signatories.

11 DATED: June 8, 2010

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER

12 By: /s/Thomas M. Herlihy

13 THOMAS M. HERLIHY

14 ORDER

15 IT IS SO ORDERED.

16 Date: \_\_\_\_\_

17   
18 By: \_\_\_\_\_  
19 HONORABLE SUSAN ILLSTON  
20 United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2010.

/s/ Shivani Nanda

SHIVANI NANDA

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